

Civil Society Coalition Policy Paper

Why the Palm Oil Bill Discussion Must Be Stopped Immediately

This policy paper contains seven reasons why the DPR and the government should immediately stop discussing the Palm Oil Bill.

Introduction

In January 2017, the government and the Indonesian Parliament agreed that the Palm Oil Bill should be one of the priority bills completed in 2017. The main reason put forward by the advocates for this bill is to protect the palm oil industry from foreign intervention¹. Besides, three other reasons presented by Commission IV DPR RI who initiated this Palm Oil Bill are as follows: 1) In the socio-economic field, to ensure the welfare of farmers, 2) Increase the professionalism of all sectors in palm oil, from upstream to downstream; 3) In the field of law, to provide a solution to the chaotic licensing process, thus providing a specific solution for illegal plantations (plantations that are in forest areas or operating without HGU)².

This policy paper presents the Palm Oil Bill article's analysis of, stated in the draft of the Palm Oil Bill, downloaded from the DPR website³. The results of the analysis show that this bill instead of providing solution for the problems mentioned, it has the potential of causing new troubles, including exacerbating overlap and legal confusion. Below are seven arguments on why the discussions Palm Oil Bill must be stopped immediately.

1 Sawit Watch press release, "Statement of Attitude to Reject the Palm Oil Bill," 13 June 2016, <http://sawitwatch.or.id/2016/06/siaran-pers-13-juni-2016-perj-sikap-menolak-ruu-palm-oil/>

2 Statement by Daniel Johan, Deputy Chairperson of Commission IV DPR-RI, quoted from the Joint Press Statement, "The Palm Oil Bill: Legislators' Efforts to Save Illegal Plantation and Forest Squatters," <http://elsam.or.id/2017/02/ruu-perkelapasawitan-efforts-legislator-save-illegal-plantations-and-forest-encroachers/>.

3 <http://www.dpr.go.id/prolegnas/rekam-jejak/id/175>

1) Is it true that the Palm Oil Bill was proposed to protect national interests?

Protecting the 'national interest' is the main argument echoed by groups of supporters of the Palm Oil Bill⁴. The facts show that the only interests intended to be protected by this bill are the interests of the richest few in this country, namely corporations in the palm oil industry. Currently, the largest shareholder of palm oil in Indonesia is Malaysia, followed by the United States, United Kingdom, Singapore, Bermuda, Brazil, Canada, France, and the Netherlands. The largest bondholders are the United States, Canada, Switzerland, the United Kingdom, France, Denmark, Germany, Japan, and Italy. Meanwhile, the biggest lenders in this industry are Malaysia, Indonesia, the UK, United States, Singapore, Japan, and Germany. Based on these simple facts, it is obvious that if this bill passes into law, those benefitted the most will be the national interests of Malaysia, the United States, Britain, Singapore, and other countries controlling the palm capital⁵.

Further facts reinforce these allegations. The five largest private palm oil plantation owners in Indonesia are Sinar Mas Group, Salim Group, Jardine Matheson Group, Wilmar Group, and Surya Dumai Group. These companies also hold the vastest land bank or land supply in Indonesia. This means that if the Palm Oil Bill has become law, Indonesia is being made a "bancakan" of other countries, because according to this bill, the Indonesian government must finance or facilitate all stages of palm oil business owned by corporations. Thus, instead of the interests of the entire Indonesian nation, the Palm Oil Bill is more of a corporate effort to extract state finances by demanding various financial or financing facilities from the state, ranging from nurseries, providing capital, providing land, transportation, to providing water for palm oil plantations⁶.

Also, the definition of 'national interest' repeatedly echoed by the parties pushing for this bill is very narrow. It only includes contributions to state revenues or economic contributions. This definition of 'national interest' does not include the costs of various excesses of palm oil expansion, such as environmental damage and social conflict. As an illustration, losses due to

4. Deputy Chairman of the Indonesian Legislation Body (Baleg), Firman Soebagyo, said that superior national commodities such as palm oil and tobacco must be protected by law in the national interest. See "Palm Oil Bill Protects National Interests," ptn13.com,

5. Indonesian TuK Press Release, "Palm Oil Bill, (Palm Oil (Domi) Nation)," 6 October 2016, <http://www.tuk.or.id/3152/>

6. Ibid.

the state to tackle fires amounting to 720 billion rupiahs. This count does not include the incalculable losses due to 24 people who died and 600 thousand people suffering from ARI, plus 60 million people who were hurt by smoke (BNPB, 2015). Amid the government's efforts to improve land and palm oil governance through forests moratorium policy, peatlands, and the release of forest areas for palm oil and to strengthening Indonesia's standards for sustainable palm oil (ISPO) production, this bill has the potential to undermine all these efforts.

2) Is it true that there must be a law that specially regulates palm oil?

According to the parties pushing for this measure, a specific law is obliged to regulate the palm oil sector from upstream to downstream. Most of the norms included in the bill -namely 13 of the 17 Chapters- which also the essence of this Bill (apart from the general provisions, principles, objectives, transitional and concluding chapters), **have been regulated in Law No. 39/2014 concerning Plantation, Law no. 7/2014 concerning Trade, and Law No. 32/2009 concerning Environmental Protection and Management** (see attachment 1 on the mapping of the structure of the Palm Oil Bill). To be specific, this contains 41 articles which are the same as Plantation Law No. 39 of 2014⁸.

The Palm Oil Bill also mandates various implementing regulations, as follows:

- a. 16 Government Regulations (while Law 39/2014 has only completed 7 PP)
- b. 12 Ministerial Regulations (while Law 39/2014 has only completed 4 Permen)
- c. 31 references (by statutory provisions)

The number of implementing regulations obliged indicates that this bill is far from operational and begets some potential to cause various norm conflicts in the implementing laws. Also, considering that almost all material contained in the draft has already been included in the present law, it is only natural that the regulation should be made in the current ordinance under the existing law to guarantee synergy and harmonization of laws. The inherent norm conflicts carried by this bill may produce legal obscurity, not only for the affected communities but also for the palm oil business actors themselves.

7 Henri Subagiyo, "Palm Oil Bill: Legal Political Errors in Natural Resources Management," a presentation delivered at the Workshop on Guarding the 2017 Legislation Agenda on Land and Natural Resources, "held by the Epistema Institute on December 9, 2016. 8 Sawit Watch press release, "Statement of Attitude to Reject the Palm Oil Bill," 13 June 2016, [http://sawitwatch.or.id/2016/06/siaran-pers-13-juni-2016-per\]-sikap-menolak-ruu- palm oil /](http://sawitwatch.or.id/2016/06/siaran-pers-13-juni-2016-per]-sikap-menolak-ruu- palm oil /)

Therefore, the formation of a new Law to explicitly regulate the palm oil sector in the Act is not required, useless, and will only spend people's money. What should be determined are the various derivative regulations mandated by the existing law under the Plantation Law. This step by the DPR RI triggered redundancy, was costly, and even had the potential to destroy the functions and provisions of various laws and regulations (see analysis in the next section below).

If the Palm Oil Bill passes into law, the DPR and the Government have committed **a huge political mistake in the natural resources law**. Instead of improving the management of the palm oil industry to make the Indonesian nation benefit more sustainable, as aspired by the government and mandated by the 1945 Constitution, passing the Palm Oil Bill will only strengthen the status and position of major players in the palm oil industry which already dominated by foreign capital by weakening other various laws, which is the 1945 Constitution and Nawacita.

3) How does the Palm Oil Bill have the potential to obliterate the functions and provisions of various laws and regulations?

The Palm Oil Bill has the potential to destroy the functions and provisions of various other laws, such as the Basic Agrarian Law, the Plantation Law, the Environmental Law, and the Forestry Law by bringing up its own definitions related to various fundamental substances that are the spirit of other regulations⁹. Below are some of discrepancies contained in the Palm Oil Bill.

Criminal sanctions 'Discount' for corporate crimes against the environment

The Palm Oil Bill substantially challenges the rules in the Environmental Protection and Management Law, including the articles of sanctions for companies and license issuers who violate the law. For example, criminal sanctions for violations and use of means and / or methods that can interfere with health, human safety, cause disturbance and damage to natural resources and / or the environment as regulated in this bill are only **imprisonment for a maximum of 1 year 4 months and a maximum fine of 145 million**. In fact, in the Environmental Law it has been regulated in Article 110 with a **maximum imprisonment of 5 years and a maximum fine of 5 billion**. The criminal sanctions in this bill are “discounted” to be very light, even though the consequences for human safety and the environment are very large. The same criminal sanction

⁹ Indonesian TuK Press Release, "Palm Oil Bill, (Palm Oil (Domi) Nation)," 6 October 2016, <http://www.tuk.or.id/3152/>

'Circumcision' also occurs for violations of harvest and post-harvest activities that use techniques, facilities and infrastructure that can harm health, cause environmental damage and disturb the public interest, which is reduced to a **maximum imprisonment of 1 year and a maximum fine of 100 million**¹⁰. In addition to weak environmental and sustainability considerations, this kind of regulation also does not provide equality between environmental crimes committed by large investors in a corporation and other environmental crimes.

Weak regulation of access to justice for the community: investors who take shelter on behalf of the small community

The wrong perspective in this bill is actually putting the interests of big investors behind or on behalf of the interests of the small community. This bill is very minimal in providing access to justice for the community due to palm oil activities or businesses which in fact are dominated by large investors. In addition to regulating "discounts" for crimes that can be committed by palm oil business actors who are in fact large investors, this bill does not provide access to various problems or losses that have so far been experienced by small communities, such as land tenure conflicts or losses due to palm oil businesses. palm oil which causes environmental pollution and damage, such as forest and land fires. Not only does it stop there, the eradication effort is even carried out by arranging obligations for the government and local governments to provide compensation for palm oil owners whose crops eradication / destruction is carried out to inhibit the growth of harmful organisms that disturb and threaten the safety of plants in general.

It is clear that the interests of investors are number one, while the losses that are very likely to be suffered by the affected community are not given any procedural arrangements that can be taken or substantial guarantees regarding the recovery or compensation for palm oil businesses that have an impact on small and broad communities.

Weakening of Indigenous Peoples

In the context of Agrarian and Customary Law Communities, the clauses of the Palm Oil Bill make their own definitions of Indigenous Peoples, customary rights, criteria and recognition of the MHA. This clause is an attempt to isolate the MHA as a subject so that it cannot defend its territory against the planned expansion of palm oil plantations¹¹. This bill also does not define indigenous peoples as owners of ecosystems that have a relationship with their environment, including forests¹².

10 Henri Subagiyo, "Presentation Attachments: Analysis of the Palm Oil Bill," delivered at the Workshop on Guiding the 2017 Legislation Agenda on Land and Natural Resources, "held by the Epistema Institute on December 9, 2016

11 Ibid.

12 HuMa, "Kritik dan Saran terhadap RUU Perkelapasawitan," 2016, tidak dipublikasikan

Regarding customary land, the company must conduct deliberations with the customary law community holders of customary rights to obtain approval regarding the transfer of land and compensation. However, there is no explicit provision that indigenous and tribal peoples can refuse or not want their land to be converted into palm oil areas¹³.

Protection against illegal activities in forest areas

This bill also allows corporations to commit crimes prohibited in the Environmental Law and PP 71 of 2014 / PP 57 of 2016 concerning the Protection and Management of Peat Ecosystems with a reverse translation of prohibitions into obligations¹⁴. Palm oil plantations are subject to various laws and regulations. Invitations prohibited in forest and peat areas will in fact be bleached with their obligation to manage forest and peat areas that already have the permit.

Regarding the Forestry and Agrarian and Plantation Law, the clauses of the Palm Oil Bill which regulate the process of releasing forest areas and utilization of abandoned land is an effort to protect palm oil companies that are currently carrying out illegal activities in forest areas and protect land banking practices. In Riau Province, for example, the DPRD's tracing results found that from the total area of palm oil plantations reaching 4.2 million hectares (ha), around 1.8 million hectares of which are illegal. The palm oil company does not have a forest release permit from the Ministry of Environment and Forestry by raiding land in forest areas¹⁵.

4) How does the Palm Oil Bill conflict with government policy?

Based on the above analysis, it is clear that the Palm Oil Bill is more aimed at facilitating foreign interests and maintaining the status quo of domination of land tenure in Indonesia. This contradicts Jokowi's commitment to carrying out agrarian reform. In addition, this bill also contradicts the palm oil moratorium policy plan launched by the President. If this bill is passed, the palm oil moratorium, which is planned to be based solely on a Presidential Instruction, will automatically be 'defeated' by this law¹⁶.

The Palm Oil Bill, which still focuses on land clearing activities, also contradicts Presidential

13 Ibid.

14 Siaran Pers TuK Indonesia, "RUU Perkelapasawitan, (Palm Oil (Domi) Nation)," 6 Oktober 2016, <http://www.tuk.or.id/3152/>.

15 <https://news.detik.com/berita/3435527/luas-kebun-sawit-ilegal-di-riau-mencapai-18-juta-ha/>

16 Siaran Pers TuK Indonesia, "RUU Perkelapasawitan, (Palm Oil (Domi) Nation)," 6 Oktober 2016, <http://www.tuk.or.id/3152/>.

Instruction No. 8/2015 concerning the moratorium on forest areas, one of which is to anticipate the opening of new land by palm oil areas¹⁷.

5) Is it true that the Palm Oil Bill was formed to protect and prosper small farmers and palm oil workers?

Regarding the welfare of farmers, especially independent smallholders, the existing article by article does not reflect what Commission IV DPR RI said. The article that mentions or specifically regulates farmers or what is referred to as planters is only in Article 29, which mentions several easy access to land for planters. This also still needs to be revealed in a Government Regulation (PP), so that its operation will very much depend on when the PP was formed. Another article that mentions planters only discusses partnerships with plantation companies. Processes and procedures for the welfare of farmers are only "promises" that may be difficult to realize¹⁸.

Second, in contrast to the treatment of planters, the Palm Oil Bill gives preferential treatment to plantation companies. This can be seen in Article 18 paragraph (4), some of the privileges granted include: 1) reduction of corporate income tax through a reduction in net income up to a certain amount against the amount of investment made within a certain time; 2) exemption or reduction of import duty on imports of capital goods, machinery, or equipment for production purposes that cannot be produced domestically; 3) exemption or reduction of import duty for raw materials or supporting materials for production needs for a certain period of time and with certain requirements; 4) exemption or suspension of value added tax on imports of capital goods or machinery or equipment domestically unavailable for production for a certain period of time; 5) land and building tax relief, especially in certain regions or regions or areas; and 6) assistance in product marketing through related institutions or agencies in accordance with statutory provisions. This raises a serious question, is the motive of Commission IV DPR RI really want to prosper farmers or only facilitate illegal plantation companies operating without permits or even encroaching forests into legal companies?

The Indonesian Palm Oil Farmers Association (Apkasindo) also considers that the contents of this bill are very contradictory to the previous government regulations¹⁹. One of them, article

17 HuMa, "Kritik dan Saran terhadap RUU Perkelapasawitan," 2016, tidak dipublikasikan

18 Pernyataan Pers Bersama, "RUU Perkelapasawitan: Upaya Legislator Menyelamatkan Perkebunan Ilegal dan Perambah Hutan," <http://elsam.or.id/2017/02/ruu-perkelapasawitan-upaya-legislator-menyelamatkan-perkebunan-illegal-dan-perambah-hutan/>

19 "APKASINDO Protes RUU Sawit," 12 Januari 2017, <http://ptpn13.com/news-selengkapnya&c=0117011207423841599-apkasindo-protos-ruu-sawit.html>

with current conditions. So far, IUPs for farmers do not exist because their land area is less than 25 hectares (ha) while the facts in the field show that there are farmers who have land of 100 ha, 300 ha to 500 ha. In addition, there are also articles that have the potential to criminalize palm oil farmers, for example the obligation to fertilize and care for palm oil plants, which is burdensome and detrimental to farmers.

Regarding the Papua region, the Coordinator of the Coalition for Caring for Palm Oil Victims in Papua, John Gobay, stated that in Indonesia, palm oil farmers only exist in Sumatra, Sulawesi and other areas. In Papua there is no term palm oil farmer. What happens is that the indigenous people are victims because of the existence of the palm oil company. The bill, which is still oriented towards expansion and new land clearing, has the potential to add new palm oil victims to Papua.

Regarding palm oil labor or workers, this bill in no way addresses the problems of workers and workers in the palm oil sector, including the guarantee of their rights to health services, education for children, pensions, and so on. What is in the interest of Indonesia at this time is precisely to prepare legal guarantees for laborers, workers, small farmers who work and are involved in this palm oil business, and not the other way around, namely to provide justification for large corporations to seize the lands of the people and indigenous peoples.

6) Why does the Palm Oil Bill have the potential to exacerbate land and social conflicts in the plantation sector?

Palm oil plantations often have negative social or environmental impacts. From the total area of 11.4 million square hectares of palm oil plantations (BPS, 2015), the Directorate General of Transportation in 2012 recorded 739 which he called business disturbances and plantation conflicts, with details of 539 cases being land conflicts (72.25%); non-land disputes as many as 185 cases (25.05%); and disputes with forestry in 15 cases (2%). In the midst of the rampant state of land conflicts, the presence of the Palm Oil Bill which will legalize illegal plantations does not really make sense²¹.

Another thing that deserves attention is, in order to minimize the risks or conflicts that often occur in palm oil plantations, the existing regulations related to palm oil should adopt human rights due diligence as a form of implementation of the pillar of "Respect" of the United Nations

20 <http://hukum.papua.go.id/detail/berita/2016/agustus/156/tolak-ruu-sawit-legislator-papua-sebut-pemerintah-pro-kapitalis.htm>

21 Pernyataan Pers Bersama, "RUU Perkelapasawitan: Upaya Legislator Menyelamatkan Perkebunan Ilegal dan Perambah Hutan," <http://elsam.or.id/2017/02/ruu-perkelapasawitan-upaya-legislator-menyelamatkan-perkebunan-illegal-dan-perambah-hutan>

Guiding Principles on Business. and Human Rights. The Human Rights due diligence process should include at least: (a) an assessment of existing and potential impacts; (b) integrating so that all company personnel are aware of these impacts; (c) take the necessary steps regarding the impacts identified; (d) assess whether the steps taken are compatible with the impact; and (e) communicating how impacts have been mitigated. Efforts to reduce conflict or promote human rights are not found in the current Palm Oil Bill.

7) Why does the Palm Oil Bill threaten Indonesia's remaining forests and peatlands?

The Palm Oil Bill seems to have been used to whiten the progress or provide a gap for large companies to rightfully operate in peat areas, as seen in Article 23 of the bill. It is against the State's efforts to protect the peat ecosystem, which also negates the existence of PP. 57 of 2016 concerning Amendments to Government Regulation Number 71 of 2014 concerning Protection and Management of Peat Ecosystems. The PP on Peat Protection states that it is forbidden to clear new land until zoning for protection and cultivation functions as stipulated in the peat ecosystem area for specific plants. However, this will not apply had the Palm Oil Bill passed into law. Jokowi's the target of peat recovery at 2.4 million hectares will not materialize²².

Besides, if we refer to the data from the Directorate General of Agriculture, Ministry of Agriculture, the intention of legislators to legalize palm oil plantation, is because they are located in a forest or on peatland areas, which may have disputes with residents, this initiative is precise will exacerbate existing problems. Land conflicts with local communities will increase, the State will be the party that blesses it through the Palm Oil Bill²³.

Furthermore, regarding the issue of sustainable palm oil plantations, it is also worth questioning the existence of this Palm Oil Bill. It is because Article 78 of the Palm Oil Bill wants to require certification for plantation commerce, in stages over the next 5 years. The certification tool for palm oil plantations in Indonesia, namely ISPO, has been certified for a long time. As of December 2016, 226 palm oil companies had received ISPO certificates with an area of 1,430,105.31 million ha and CPO production of 6,746,321.93 million tons. Currently, there are around 600 companies that are being audited by the ISPO certification

²² Ibid.

²³ Ibid.

Body. So, had the Palm Oil Bill passed, it will hamper the ongoing certification process²⁴.

Participation

Apart from the substantive matters described above, another thing that should be noted for the DPR RI is the lack of public involvement in the deliberation process of the Palm Oil Bill. In fact, the relevant government agencies stated that the Ministry of Agriculture as a technical actor was not involved in the drafting of the Palm Oil Bill.

Improvements in Palm Oil Governance that Do Not Create New Problems

Instead of solving problems by creating new problems through the drafting of the Palm Oil Bill, we are of the opinion that improving palm oil governance must be based on a shared vision to:

- (i) Stop the rate of deforestation on remaining forest cover and degradation of its environmental functions and biodiversity;
- (ii) Stop conversion of functions and improve forest protection and peatland restoration; and
- (iii) Providing legal guarantees for the protection of the rights of affected communities, including but not limited to indigenous peoples, local communities, smallholders and workers, in a real and consistent manner.

Improvements in palm oil governance must be carried out in a (i) transparent manner, with open access to information through publications widely, easily accessible and can be understood by all stakeholders, (ii) participatory, where the parties (government, non-government, private, groups civil society and community groups] are actively involved in the decision-making process, (iii) open mechanisms through public consultation at the national and local levels that ensure equality of capacity.

Improving palm oil governance must be preceded by the following:

a. Termination of New Licenses

Reform of governance and certification system needs to be initiated with concrete steps to stop the expansion of palm oil plantations, so that the focus needed is to intensify and rationalize the target of achieving national palm oil exports.

²⁴ Ibid.

b. Review of existing legality of palm oil land

Improvements in palm oil governance must be carried out after reviewing the legality of palm oil land to support reform of land management. Identification of land status will show, among other things (i) the proportion of palm oil land that operates without a permit and / or operates in forest areas as well as protected and conservation areas, (ii) the proportion of land managed by companies and communities, and (iii) the process of issuing permits regularly. chronological. The results of the review will provide a concrete basis for the government to be able to determine the follow-up of law enforcement, improvement of the licensing system as well as development programs for smallholders and local communities as well as conservation programs;

c. Human Rights Audit

The state must interpret the sustainability of palm oil in Indonesia by including elements of upholding and protecting human rights in it, not just from a business perspective. At present, the principles of human rights themselves are guidelines and principles that are continuously encouraged by the international community, including Indonesia, so that the sustainability of palm oil products cannot be separated from the need for human rights protection. In this regard, we recommend that the government oblige the conduct of a human rights audit of palm oil companies in Indonesia to thoroughly evaluate the company's shareholders, the work situation of the company's workers, as well as farmers around the company, the impact of palm oil business operations on indigenous peoples and local residents, as well as environmental damage that has occurred around the palm oil. This is more urgent to do than drafting the Palm Oil Bill which has no clear direction and purpose for the interests of the Indonesian people.

c. Strengthening affected communities including but not limited to smallholders, laborers, customary law communities and local communities

Improving palm oil governance must prioritize strengthening the capacities of affected communities related to social, economic and environmental issues by taking into account the High Conservation Value, High Carbon Stock (essential ecosystem) approaches, Free, Prior and Informed Consent (FPIC), as well as fair and equitable cooperation.

d. Policy Reform & Regulatory Framework for Sustainable Palm Oil Plantation Business

Improvements in palm oil governance should drive reform of Indonesia's policy and regulatory framework towards the transformation of the sustainable palm oil industry. Some examples include sustainable peatland management and President Joko Widodo's appeal regarding total peatland protection, reviewing permits and increasing palm oil production capacity through intensification. Related to this, then the target production of 40 million tons by 2020 must be reviewed because it has the potential to encourage uncontrolled expansion of palm oil plantation businesses, which are not in line with current government policies and commitments.

e. Bureaucratic Reform & Stakeholder Capacity

Improvements in palm oil governance must be carried out in parallel with efforts to reform the bureaucracy and increase the capacity of the government at various levels and / or other stakeholders which are the keys to implementing the system effectively and accelerating towards the transformation of the sustainable palm sector.

Civil Society Coallition :

**Madani | ICEL | Epistema Institute | AMAN | ELSAM | Pusaka | Kaoem Telapak |
FWI | HUMA | Greenpeace | Auriga**



Appendix II

Civil Society Coalition Demands

We, the Civil Society Coalition for human rights and environment observers, express the following standings:

1. Urge the Indonesian Parliament to stop discussing the Palm Oil Bill, which is the 2017 national priority legislation program.
2. Urge the government to revise the Plantation Law which still ignores community rights.
3. Urge the government to carry out licensing audits and human rights audits of all palm oil plantation companies in Indonesia.
4. Urge the President to immediately issue a written policy on the Palm Oil Moratorium.
5. Urge the DPR RI not to bring this sector into the political sphere for the benefit of the 2019 general election.
6. Urge the government to revoke the licenses of all palm oil companies proven to have burned land and forests.
7. Urge the government to increase the potential of existing food as a source of life, increase the community's economy.
8. Urge the government and DPR RI not to over-protect business actors in this sector
9. Urge the government to immediately resolve social conflicts that occur in palm oil plantations.
10. Urge the Government as the party that will also discuss this Palm Oil Bill with the DPR-RI to state its rejection of the initiative to continue discussing the Palm Oil Bill.

Thus, we make this statement of standing for the DPR and the government to pay attention to and to be followed up.

STRUCTURE	NOTES
CHAPTER I : GENERAL REQUIREMENTS	
CHAPTER II : THE BASIS, PURPOSE, AND SCOPE OF THE LAW	
CHAPTER III : PALM OIL BUSINESS	
Part One: Palm Oil Business Actors Part Two: Types and Permits of Palm Oil Businesses Part Three: Palm Oil Business Partnerships Part Four: Social and Environmental Responsibility	has been regulated in Law 39/2014 about Plantation (CHAPTER VII)
CHAPTER IV : PENGUASAAN and PENGUSAHAAN LAHAN	has been regulated in Law 39/2014 about Plantation (CHAPTER IV)
CHAPTER V : FASILITAS PENANAMAN MODAL	has been regulated in Law 39/2014 about Plantation (CHAPTER XIII)
CHAPTER VI : KEGIATAN HULU	
Part One: Land Clearance Part Two: Genetic Resources, Seedlings, and Nurseries Part Three: Seed Certification Part Four: Seed Breeding Part Five: Seed Transport	1. Land Clearance: has been regulated in chapter 56 and PERMEN 2. Genetic resources: has been regulated in chapter 20-27 and has been mandated in PP and PERMEN 3. Seeds: has been regulated in chapter 24-28; chapter 51;
CHAPTER VII : KEGIATAN BUDI DAYA	
Part One : Fertilization Part Two : Water and Peat Management Part Three : Plant Care and Palm Plant Protection Part Four : Harvest and Post-harvest	has been regulated in CHAPTER VI which also mandated in PP and PERMEN.
CHAPTER VIII : PENGOLAHAN HASIL	
Part One: Palm Oil Processing Part Two: Environmentally Friendly Oil Palm Processing Industry Part Three: Indonesia's Sustainable Palm Oil Certification System Part Four : Wasteless Economy	has been regulated in CHAPTER VIII Processing and Marketing of Plantation Products
CHAPTER IX : PENGEMBANGAN EKSPOR Plantation	has been regulated in Part Three CHAPTER VII USAHA
Part One : Development of Exports of Palm Oil Products Part Two : Trade Promotion	has been regulated in Trade Law (Law 7/2014)
CHAPTER X : TRADE PROTECTION AND SECURITY	has been regulated in Law 7/2014 Plantation, CHAPTER IX TRADE PROTECTION and SECURITY.

	This provision is also the authority of the Ministry of Trade.
CHAPTER XI : INTERNATIONAL TRADE COOPERATION	has been regulated in law 7/2014 PLANTATIONS, CHAPTER XII INTERNATIONAL TRADE COOPERATION
CHAPTER XII : RESEARCH AND DEVELOPMENT	Has been regulated in CHAPTER IX RESEARCH & DEVELOPMENT
CHAPTER XIII : SOCIETY PARTICIPATION	Has been regulated in CHAPTER XV Society Participation
CHAPTER XII : GUIDANCE AND SUPERVISION	Has been regulated in CHAPTER XIV GUIDANCE AND SUPERVISION
CHAPTER XV : PALM OIL INSTITUTION	Palm Oil Regulatory Body under the President. Its principal duties and functions are formulating policy, NSPK, standardization, and facility provision. BUT when viewed from the norm, everything tasked and purposed to the Regulatory Body, all were already mandated to the Central and Regional Governments, so that this Agency does not need to exist because it does not take urgent duties or functions and may overlap with government authorities (central/regional).
CHAPTER XVI : CRIMINAL SANCTIONS	1) has been regulated in chapter 108 Law 39/2014 and Law chapter 108 32/2009
1) Criminal sanctions for clearing land by burning (max. 10 years in prison and a max fine of 10 billion). Had the person died or seriously injured (max. 15 years in prison and a fine of 15 billion). Sanctions for violations for the use of means and/or methods that can interfere with health, human safety, cause disturbance and damage to natural resources and/or the environment (Penalty imprisonment of up to one year four months and a maximum fine of 145 million).	(2) CRIMINAL SANCTION DISCOUNT: very light while the consequences are tremendous (health, safety, and environment). ALREADY REGULATED in Article 110 of Law 39/2014 with a maximum threat of five-year imprisonment and max fine. 5 billion.
3) Sanctions for violations of harvest and post-harvest activities that use techniques, facilities, and infrastructure that can harm health, damage the environment, and disrupt public interests are maximum one-year imprisonment and a maximum fine of 100 million.	(3) CRIMINAL SANCTION DISCOUNT: very light while the consequences are tremendous (health, safety, and environment). ALREADY REGULATED in Article 110 of Law 39/2014 with a maximum threat of five-year imprisonment and max fine. 5 billion.
CHAPTER XVI : TRANSITION REGULATION	
CHAPTER XVII : CLOSING REQUIREMENTS	

